IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6182 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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JAYANTIBHAI AMBALAL PATEL

Versus

ADDL CHIEF SECRETARY

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Appearance:

MR PM THAKKAR for Petitioner

Mr. I.M. Pandya AGP for Respondent No. 1

NOTICE SERVED for Respondent No. 2, 3

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CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 03/10/2000

ORAL JUDGEMENT

Learned advocate Mr. Thakkar is appearing for the petitioner. Learned AGP Mr. Pandya is appearing for the respondents. In this petition, this court, while

issuing rule on 3rd March,1994, has directed that the ad interim relief granted earlier shall continue till final disposal of this petition.

In this petition, the petitioner has challenged the order dated 13th February, 1984 passed by the respondent authorities (Annexure "C") as also the order dated 30th November, 1991 (Annexure "E" and the order dated 11th September, 1986 by way of amendment in the petition.

Today, when the matter has been taken up for final hearing, learned AGP Mr.Pandya appearing for the respondent authorities has produced on record the letter dated 25.8.2000 issued by the competent authority and the Addl. Collector,Baroda which is taken on record. According to the said letter, in the present proceedings, order under section 8(4) of the Act has been passed on 13.2.1984 and thereafter,notification under section 10(1) has been published 23.2.1984. It is specifically mentioned in the said letter that in this matter, no proceedings have been initiated by the respondent authorities beyond the notification under section 10(1) and that the possession of the excess land in question has not been taken over by the State Government and therefore, request has been made to pass appropriate orders considering the provisions of the ULC Repeal Act,1999.

The Urban Land (Ceiling and Regulation)Act,1976 has been repealed by the Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999 passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act,1976 in respect of the land in question as well as the present petition have abated.

The petition is accordingly disposed of as having abated. There shall be no order as to costs.

3.10.2000 (H.K. Rathod,J.)

Vyas